

REGULAR MEETING
April 27, 2010

City of Newburgh Zoning Board of Appeals

Summary of Record of Actions Taken at the Regular Meeting of the Newburgh Zoning Board of Appeals held on April 27, 2010 at 7:30 p.m. at the Newburgh Activity Center, 401 Washington Street, Newburgh, NY.

Members Present: Joanne Lugo
Victor Mirabelli
David Schwartz
Barbara Smith
James Kulisek

Also Present: Michelle Kelson, Assistant Corporation Counsel
Michelle Mills, Secretary to the Board

Motion Made to Approve Minutes of March 23, 2010 Meeting
Motion Made: Victor Mirabelli
Motion Second: Barbara Smith
Motion Carried: Unanimous

Old Business:

1. Appeal No. 2010-05
Location 91 Broadway
Owner: 121-123 Broadway Court
Applicant: Andrew Cavaluzzi

Anthony Coppola, Architect and Andrew Cavaluzzi, applicant appeared before the Board and advised of revisions to the original proposal in regards to density and parking. The new proposal is for a four story structure instead of five and for fifteen apartments instead of twenty. Mr. Cavaluzzi advised that he met with the City administration and has a tentative agreement to lease ten parking spaces from the City in the Ann Street parking lot, which would satisfy the parking requirements. The Board had several questions for Counsel regarding the tentative agreement and its connection to the project. Although the public hearing was previously closed, the Board allowed comment from the public.

The following people spoke regarding the project:

Michael Curry: He believes the Ann Street lot is beyond the distance allowable by Code. He believes that a super majority vote by the Council is needed for approval for a property lease.

Marietta Curry: She feels the parking issue is being taken too lightly. The Ann Street lot is unregulated and is concerned about the expected 3600 students when the new OCCC campus opens. She feels insulted as a homeowner and submitted a written list of concerns to the Board.

Michael Gabor: Feels that parking is a definite problem already for his customers and is a big issue without the college being open. He believes that the traffic nightmare will reduce property value without proper parking for current businesses and homeowners. He feels it is not a viable project at this time.

At this time the Board was prepared to proceed.

Zoning Board of Appeals to assume Lead Agency status for S.E.Q.R.A.:

Motion Made: James Kulisek

Motion Second: Victor Mirabelli

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals declares a Negative Declaration for S.E.Q.R.A.:

Motion Made: Victor Mirabelli

Motion Second: James Kulisek

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **AREA VARIANCE** with condition that applicant must obtain a license agreement from the City of Newburgh for 10 off-street parking spaces in the Ann Street municipal parking lot: Victor Mirabelli

Motion Second: James Kulisek

Roll Call Vote: Unanimous

Motion Carried: Unanimous

NEW BUSINESS:

1. Appeal No. 2010-06

Location: 191 Mill Street

Applicant: Alejandro Mendoza

Owner: Richard Fracasse

Requesting an AREA Variance for 7534 square feet on lot area, 18 feet on lot width, 19.7 feet on the Bridge Street front yard setback, 2.8 feet on side yard setback and 19.8 feet on Mill Street front yard setback which do not meet the requirements of the Schedule of Use and Bulk Regulations in an I-1 Zone.

Ken Lytle appeared before the Board on behalf of the applicant and owner. He explained that the project is to allow for a Taxi Service in the building which is allowable with a special permit from the Planning Board.

Approximately 5 taxis will operate from the location. The building size will not change and the tenant is already occupying the building.

Michelle Kelson advised the Board that they can recommend to the Planning Board a limit on the number of vehicles that can be parked outside of the building at any given time. She further advised that special permits are reviewed annually and can be revoked.

At this time the Chairperson opened the public hearing by reading the text of the notice.
No one spoke in favor or opposition of the applicant.

The public hearing was duly convened and completed on April 27, 2010.

Motion to Close Public Hearing: Victor Mirabelli

Motion Second: David Schwartz

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals to assume Lead Agency status for S.E.Q.R.A.:

Motion Made: Victor Mirabelli

Motion Second: James Kulisek

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals declares a Negative Declaration for S.E.Q.R.A.:

Motion Made: David Schwartz

Motion Second: Victor Mirabelli

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **AREA VARIANCE** with recommendation to Planning Board to limit the number of parked vehicles outside the building at anytime to 9: Victor Mirabelli

Motion Second: David Schwartz

Roll Call Vote: Unanimous

Motion Carried: Unanimous

2. Appeal No. 2010-07

Location: 244-250 Broadway Rear/ 9 Carpenter Ave

Applicant: Benedetto Papaleo

Owner: 3 Fratelli, Inc.

Requesting a USE Variance to allow for manufacturing/light industry mixed use and an AREA Variance for 12,090 square feet on lot area, 30 feet on lot width, 37 feet on lot depth, 20 feet on front yard setback, 15 feet on side yard setback, 25 feet on rear yard setback and 5 parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in an TC-1 Zone

Ben Papaleo appeared before the Board and advised that he has a great tenant who wants to use the building as a taco/tortilla manufacturing plant and employ local residents. The entrance to the building is on Carpenter Avenue. He has a site plan application currently before the Planning Board.

At this time the Chairperson opened the public hearing by reading the text of the notice.

Michael Papaleo spoke in favor of the applicant, no one spoke in opposition of the applicant.

The public hearing was duly convened and completed on April 27, 2010.

Motion to Close Public Hearing: Victor Mirabelli
Motion Second: David Schwartz
Roll Call Vote: Unanimous
Motion Carried: Unanimous

Zoning Board of Appeals to assume Lead Agency status for S.E.Q.R.A.:
Motion Made: Victor Mirabelli
Motion Second: David Schwartz
Roll Call Vote: Unanimous
Motion Carried: Unanimous

Zoning Board of Appeals declares a Negative Declaration for S.E.Q.R.A.:
Motion Made: James Kulisek
Motion Second: Victor Mirabelli
Roll Call Vote: Unanimous
Motion Carried: Unanimous

Motion Made to approve **USE VARIANCE**: David Schwartz
Motion Second: James Kulisek
Roll Call Vote: Unanimous
Motion Carried: Unanimous

Motion Made to approve **AREA VARIANCE**: Victor Mirabelli
Motion Second: David Schwartz
Roll Call Vote: Unanimous
Motion Carried: Unanimous

3. Appeal No. 2010-08
Location: 35 Townsend Avenue
Owner/Applicant: Linda Fogarty

Requesting an AREA Variance for 3750 square feet on lot area, 37.50 feet on lot width, 6 feet and 2.1 feet on side yard setback and 9.11 feet on rear yard setback which do not meet the requirements of the Schedule of Use and Bulk Regulations in an R-1 Zone.

Anthony Coppola appeared before the Board on behalf of the applicant as architect for the project. He explained that the proposed project is for an addition to the home, in the rear yard, for a bedroom and a bathroom. He presented diagrams and pictures.

At this time the Chairperson opened the public hearing by reading the text of the notice.
No one spoke in favor or opposition of the applicant.
The public hearing was duly convened and completed on April 27, 2010.

Motion to Close Public Hearing: David Schwartz

Motion Second: Victor Mirabelli

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals to assume Lead Agency status for S.E.Q.R.A.:

Motion Made: Victor Mirabelli

Motion Second: James Kulisek

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Zoning Board of Appeals declares a Negative Declaration for S.E.Q.R.A.:

Motion Made: Victor Mirabelli

Motion Second: David Schwartz

Roll Call Vote: Unanimous

Motion Carried: Unanimous

Motion Made to approve **AREA VARIANCE:** Victor Mirabelli

Motion Second: Barbara Smith

Roll Call Vote: Unanimous

Motion Carried: Unanimous

OTHER:

The next meeting of the Newburgh Zoning Board of Appeal will be held on April 27, 2010.

Meeting Adjourned 9:45 p.m.

Respectfully Submitted:

Approved:

Michelle M. Mills, Secretary

Joanne Lugo, Chairperson